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New York

SUMMARY RECORD OF THE 48th MEETING

Chairman: Mr. ESCOVAR-SALOM (Venezuela)

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ORGANIZATION OF WORK

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The meeting was called to order at 10.05 a.m.

AGENDA ITEM 149: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY (continued)

Draft resolution A/C.6/51/L.14

1. The CHAIRMAN said that he would take it that the Committee wished to adopt draft resolution A/C.6/51/L.14 without a vote.

2. Draft resolution A/C.6/51/L.14 was adopted.

AGENDA ITEM 145: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued)

Draft resolutions A/C.6/51/L.6/Rev.1, L.11 and L.13

3. Ms. WONG (New Zealand), Chairman of the Working Group on the United Nations Decade of International Law, introduced the three draft resolutions which had been considered by the Working Group.

4. She briefly outlined the contents of draft resolution A/C.6/51/L.11, adding that the Working Group requested the Secretary-General to bring to its attention any developments in international law or matters relating to the Decade of International Law at the appropriate time, notwithstanding the request in the draft resolution for a final report at the end of the Decade. In drawing up the programme for the final term of the Decade, contained in the annex to the draft resolution, the Working Group had focused on its implementation rather than its renegotiation. She drew attention to the new paragraph 7 of the programme, on the establishment of the International Tribunal for the Law of the Sea, to which States could turn for the peaceful settlement of disputes. Paragraph 13 of the programme listed a number of activities put forward by the delegation of Nigeria, to encourage wider appreciation of international law and to celebrate the end of the Decade. United Nations organizations and foundations were invited to consider the possibility of commissioning and publishing collaborative textbooks or manuals to develop truly universal concepts of international law, as well as compilations reviewing the practices of States, including the less developed States. She suggested that the Working Group might focus in future on determining why some international treaties had not entered into force or gained universal participation, perhaps with a view to revising them if necessary. The Office of Legal Affairs of the Secretariat was also encouraged to continue its participation in the Global Legal Information Network project. The delegation of Portugal had suggested that international law should be included as a core curriculum subject and that special training courses in public international law should be introduced.

5. She drew attention to paragraph 2 of draft resolution A/C.6/51/L.6/Rev.1, in which the Governments of the Russian Federation and the Netherlands would be invited to arrange a preliminary discussion with other interested Member States on the substantive content of 1999 action dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law. In paragraph 4 of the draft, the Assembly would

decide to include the matter as a sub-item in the provisional agenda of its fifty-second session. She emphasized the importance of the initiative for civil society at large and non-governmental organizations.

6. Draft resolution A/C.6/51/L.13 on an electronic treaties database stressed the need to give priority to the implementation of the computerization programme in the Treaty Section of the Office of Legal Affairs.

7. The task ahead was to focus on international law and the attendant democratization of international relations. The establishment of an international criminal court and a comprehensive legal framework for the conduct of international relations on the basis of equality would be a tremendous legacy for future generations.

8. Mr. GRAY (Australia) said his delegation welcomed all efforts to broaden access to treaty texts, especially by making fuller use of electronic media and the Internet, which, it was to be hoped, would help to reduce the eight-year backlog in their publication. As the draft resolution on an electronic treaties database (A/C.6/51/L.13) enjoyed widespread support and the United Nations Controller had confirmed that it had no additional budget implications, he hoped that it would be adopted without a vote.

9. Mr. VERWEIJ (Netherlands), referring to the resolution drafted by his delegation and the delegation of the Russian Federation (A/C.6/51/L.6/Rev.1), said that he hoped that an informal group of conference friends would be able to start functioning soon after adoption of the draft.

10. Mr. HAMDAN (Lebanon) said he wished to make it clear that the wording of paragraph 12 of draft resolution A/C.6/51/L.11 could not be interpreted as impeding or attempting to change the valuable work done by the International Committee of the Red Cross in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict.

11. The CHAIRMAN said that he would take it that the Committee wished to adopt draft resolutions A/C.6/51/L.11, L.13 and L.6/Rev.1 without a vote.

12. Draft resolutions A/C.6/51/L.11, L.13 and L.6/Rev.1 were adopted.

13. Mr. LÉGAL (France) said that the Secretariat had distributed a circular with information on the agenda item under consideration which was available in English only. He wished to express his strong disapproval of that procedure.

14. The CHAIRMAN said that the Secretariat would take due note of the remarks by the representative of France.

AGENDA ITEM 147: ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT (continued)

Draft resolution A/C.6/51/L.10

15. Mr. VERWEIJ (Netherlands) introduced draft resolution A/C.6/51/L.10, on the establishment of an international criminal court, proposed by the Chairman. He

said that he was pleased to report that growing support made it feasible to hold an international conference of plenipotentiaries to study the draft statute for such a court and conclude a convention on its establishment, which the Government of Italy had kindly offered to host in June 1998.

16. He was also very pleased to announce that, in response to the request to establish a special fund for the participation of the least developed countries in the work of the preparatory committee and the conference of plenipotentiaries, his Government had pledged $100,000.

17. Mr. VAN DE VELDE (Belgium) announced that his Government was pledging 2 million Belgian francs to the fund, to ensure universal participation in the work of the preparatory committee and the conference of plenipotentiaries.

18. Mr. HAMDAN (Lebanon) said that his delegation would join the consensus, but wished to repeat that it would have preferred the fund to be open to all developing countries, and not be restricted to the least developed countries.

AGENDA ITEM 146: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-EIGHTH SESSION (continued)

Draft resolution A/C.6/51/L.17

19. Mr. RAO (India), speaking as coordinator of consultations on the text, introduced draft resolution A/C.6/51/L.17 proposed by the Chairman. He said that it followed the well-established pattern of previous resolutions on the subject. In addition, it contained one unique clause, paragraph 18, concerning the commemoration of the fiftieth anniversary of the establishment of the International Law Commission, to be marked by the Sixth Committee during its consideration, at the fifty-second session of the General Assembly, of the Commission's report on the work of its forty-ninth session. The draft resolution did not reflect all States' ideal positions, but sought to accommodate different interests and positions. Credit for evolving the draft resolution went to all delegations without exception, and it was to be hoped that the resulting text could be adopted without a vote.

20. The CHAIRMAN said that he would take it that the Committee wished to adopt the draft resolution without a vote.

21. Draft resolution A/C.6/51/L.17 was adopted.

22. Mr. HAMDAN (Lebanon) said that his delegation was pleased to note that the draft resolution contained a paragraph referring explicitly to the further involvement of the Committee in action to be taken in relation to the draft Code of Crimes against the Peace and Security of Mankind.

AGENDA ITEM 152: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER (continued)

Draft decision A/C.6/51/L.19

23. The CHAIRMAN, introducing draft decision A/C.6/51/L.19 submitted by himself, said that the draft decision was the result of extensive consultations carried out by the officers of the Committee and was a text that enjoyed the support of all members of the Committee. He would take it that the Committee wished to adopt the draft decision without a vote.

24. Draft decision A/C.6/51/L.19 was adopted.

25. Mrs. CUETO MILIÁN (Cuba) said that her delegation regretted the fact that the draft decision had been unable to accommodate many delegations' view that the fifty-fourth session of the General Assembly would have been the most appropriate time to resume consideration of the legal aspects of international economic relations.

AGENDA ITEM 144: CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES (continued) (A/C.6/51/L.3, L.4, L.5 and L.16)

Draft resolution A/C.6/51/L.16

26. Mrs. FLORES (Mexico), speaking as coordinator of informal consultations on the text, introduced draft resolution A/C.6/51/L.16, on a convention on the law of the non-navigational uses of international watercourses proposed by the Chairman. She said that the draft was intended to map out the course of the Sixth Committee's future work on the subject. A second session of the Working Group of the Whole of the Sixth Committee would be held between 24 March and 4 April 1997 to elaborate a convention on the basis of the work already done by the Drafting Committee. As the draft resolution represented a compromise between various points of view, the sponsors of draft resolutions A/C.6/51/L.4 and L.5 had agreed to withdraw those drafts and to support the compromise resolution.

27. The CHAIRMAN said that he would take it that the Committee wished to adopt draft resolution A/C.6/51/L.16 without a vote.

28. Draft resolution A/C.6/51/L.16 was adopted.

29. Mr. LEE (Secretary of the Committee) said that he had been authorized by the Programme Planning and Budget Division to state that the conference-servicing requirements of the two-week session referred to in paragraph 2 of draft resolution A/C.6/51/L.16 were estimated at $456,800. The inclusion of that session would be additional to the approved calendar of conferences and meetings for the biennium 1996-1997. The question of accommodating those additional meetings was under review and subject to a recommendation to be made by the Fifth Committee to the General Assembly at its current session.

30. Mr. ROSENSTOCK (United States of America) said that at one point the Secretariat had indicated that it would be possible to hold a second session of

the Working Group of the Whole in the period 24 March to 4 April 1997 without any additional financial implications. Since no statement of programme budget implications had formally been made available, he asked whether the Secretariat could confirm that it would be possible to absorb the costs of the session, in spite of the announcement just made by the Secretary.

31. Mr. LEE (Secretary of the Committee) said that, because of the decision recently taken by the Fifth Committee that all financial matters were to be dealt with as a whole by that Committee, he had been authorized to state only what he had already stated.

32. Mrs. CUETO MILIÁN (Cuba) said that the statement just made by the Secretary was procedurally correct and in accordance with the mandates given by the General Assembly. The secretariat of any Main Committee could pronounce on programme budget implications, but any final pronouncement in the light of the programme and conference services was the exclusive competence of the Fifth Committee.

33. Mr. BIGGAR (Ireland), speaking on behalf of the European Union, said that the Secretariat should provide a statement of the programme budget implications of draft resolution A/C.6/51/L.16, or, if none was necessary, should state that such was the case. It might be useful to suspend the meeting briefly in order to enable such information to be provided.

34. Mr. LEE (Secretary of the Committee) said that the Programme Planning and Budget Division had informed him that statements of programme budget implications would be issued with respect to all draft resolutions calling for meetings. In the present case, there had not been time to prepare and issue a written statement of programme budget implications.

35. The CHAIRMAN asked whether the representative of Ireland, in his capacity as a spokesman for the European Union, was satisfied with the explanation provided by the Secretariat.

36. Mr. BIGGAR (Ireland), speaking on behalf of the European Union, said that it seemed to him that such a procedure would be satisfactory.

37. Mr. ROSENSTOCK (United States of America) said that a formal statement of the programme budget implications of draft resolution A/C.6/51/L.16 must be issued. Presumably, it would still be possible to hold the meetings during the period mentioned without any additional financial implications; and the Committee was simply being informed that if further meetings were convened subsequently, financial implications would arise at some point. In any event, the matter must be clarified.

38. Mr. LEE (Secretary of the Committee) said that under the new procedure the Secretariat was merely informing Committee members that two weeks' meetings would require the amount of financing he had mentioned. The separate issue of whether that cost could be absorbed by the existing budget fell within the competence of the Fifth Committee.

39. Mrs. CUETO MILIÁN (Cuba) said that the Committee was not in a position to complete its consideration of draft resolution A/C.6/51/L.16 at the current meeting.

40. Mr. ROSENSTOCK (United States of America) said that the Committee's work must be guided by rule 153 of the rules of procedure of the General Assembly. Once the new and startling information provided had been clarified, it might be possible to continue to adopt draft resolutions on a consensus basis.

41. Mr. BIGGAR (Ireland), speaking on behalf of the European Union, formally requested a suspension of the meeting to enable Committee members to discuss the issue of financial implications.

The meeting was suspended at 11.30 a.m. and resumed at 12.20 p.m.

ORGANIZATION OF WORK

42. The CHAIRMAN suggested that, as further consultations were necessary, the Committee should continue its consideration of draft resolutions at a later meeting.

43. Mr. BIGGAR (Ireland), speaking on behalf of the European Union, said that there were several draft resolutions before the Committee which might have financial implications, and that the Secretariat needed to indicate whether a particular resolution would require a statement of programme budget implications. As far as the European Union was concerned, what was important was that the Secretariat should provide a formal response on the question of resources that would be reflected in an official record. It was not necessary for such a statement to be made in writing; an oral presentation would enable the financial implications of any resolution to be considered by the Fifth Committee before it was adopted by the General Assembly in plenary meeting.

44. Mrs. CUETO MILIÁN (Cuba) said that the correct procedure would have been for a written statement of programme budget implications to accompany draft resolution A/C.6/51/L.16. Nevertheless, she agreed with the representative of Ireland that the Committee could, if it so deemed appropriate, accept an oral statement made by the Secretariat. Rule 153 of the rules of procedure clearly empowered the Main Committees to adopt draft resolutions after the Secretariat had provided information on the programme budget implications, either orally or in writing.

45. Mr. KAREV (Russian Federation) said that his delegation had found the suspension useful in clarifying the issues relating to the financial implications of certain resolutions. He agreed with the representatives of Ireland and Cuba that an oral presentation by the Secretariat would suffice so long as a written statement of programme budget implications was issued before the draft resolution was submitted to the General Assembly in plenary meeting. Recalling that, earlier in the meeting the Committee had adopted a draft resolution without any statement of programme budget implications, he said that his delegation reserved the right to revert to the matter at a later time.

46. Mr. ROSENSTOCK (United States of America) said that his delegation had been surprised by the earlier course of events, which was not consistent with the procedure usually followed in the Committee. His delegation, like other delegations, wished to see the remaining draft resolutions before the Committee adopted by consensus; in the interests of achieving consensus, he suggested that further consideration of draft resolutions should be deferred to a later meeting.

47. Ms. WONG (New Zealand) said that she would be grateful if the Chairman could confirm that a procedural irregularity had occurred earlier in the meeting.

48. Mr. LEE (Secretary of the Committee) said it was regrettable that, owing to late submission by the Programme Planning and Budget Division, the statement of programme budget implications for draft resolution A/C.6/51/L.16 had arrived too late to be considered by the Committee prior to the adoption of the draft resolution. The Committee was still waiting for the programme budget implications for the remaining draft resolutions.

49. Ms. WONG (New Zealand) asked whether, if the statement of programme budget implications for draft resolution A/C.6/51/L.16 was now available, it could be read out immediately.

50. Mr. LEE (Secretary of the Committee) said that he would prefer to read out the relevant information on all the draft resolutions at the same time.

51. Mr. DIAZ PANIAGUA (Costa Rica), speaking on a point of order, said that as draft resolution A/C.6/51/L.16 had already been adopted, it would be inappropriate to reopen consideration of a closed agenda item.

52. Mr. LÉGAL (France) said that one way of extricating the Committee from its current difficulties without reopening the agenda item would be to reach an understanding that the draft resolution would be transmitted to the General Assembly in plenary meeting together with a statement of programme budget implications which would be read out at a later meeting.

53. Mrs. CUETO MILIÁN (Cuba) said that her delegation could accept the proposal to have the statement of programme budget implications read out at a later meeting if it would facilitate the speedier adoption of the draft resolutions remaining before the Committee. She wished to place on record, however, that Cuba, like other members of the Group of 77, categorically opposed the reopening of negotiations on the text of any draft resolutions that had already been introduced, particularly on such questions as the dates of future sessions.

54. The CHAIRMAN said that the statement of programme budget implications would be circulated to the members of the Committee before the convening of a later meeting, not with a view to reopening negotiations or reconsidering decisions already taken, but purely for informational purposes.

The meeting rose at 12.45 p.m.